

## REMARKS

This amendment is submitted to correct the matters raised in the Notice of Non-Compliant Amendment mailed July 30, 2003 which was mailed in response to an amendment originally filed July 2, 2003 in a non-compliant format and a subsequent Office Communication mailed February 10, 2004, for which a one months extension is requested.

It is believed that the deficiency in the prior submitted amendment was that there was no reference to claims 1-6. Herein the now submitted reference it is noted "Cancel Claims 1-6".

Claims 7-23 as presented herein are identical to those presented in the July 2, 2003 amendment.

It is believed with this change the presently presented amendment is now in compliance. Should for some reason that not be the case, please call the undersigned.

By this amendment, claims 7-9, 11 and 13 have been amended and new claims 14-23 presented. Claims 7-23 remain in the case.

The Examiner objected to the existing abstract as being too long and not descriptive of the invention. Accordingly a new abstract is submitted herewith.

The Examiner rejected claim 7-13 under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to a person of skill in the art that the inventors, at the time the application was filed, had possession of the claimed invention. Accordingly, claim 7 has been amended to delete the reference to the controlling of the admission of gas in response to the liquid level sensor and the

functional language relating to the facilitating better dissolving of the gas. Also, all references to a "fluid" sensor have been deleted and claim 7 has been specifically amended to refer to a level sensing portion for determining a full liquid level and a minimum liquid level. Those of relevant skill clearly understand that a minimum volume is maintained in the carbonator, and as is seen in the specification generally at page 27, there being no need to determine the level of the liquid below that minimal level. Conversely, a top or full level sensing is required to shut off the pump filling the carbonator when the carbonator can admit no further liquid. It is respectfully submitted that the rejection under 35 U.S.C. 112, first paragraph, have been overcome by applicant's amendments and remarks herein.

The Examiner rejected claim 7-13 under 35 U.S.C. 112, second paragraph, as being indefinite. Various informalities were cited by the Examiner and applicant's representative reviewed the claims closely in light thereof and made amendments thereto to provide for proper antecedent basis and eliminate any vagueness therein. It is respectfully submitted that the rejection under 35 U.S.C. 112, second paragraph, have been overcome by applicant's amendments and remarks herein.

New claims 14-23 have been presented and should be in condition for allowance. Claims 14 and 15 depend from an allowable base claim and include the novel structure of the baffle plate having a large primary flow hole and a plurality of smaller secondary flow holes. Claims 16 and 17 depend from an allowable base claim and recite the novel limitation of the liquid being comprised of water and beverage syrup. Independent claim 18 should be in condition for

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allowance as including all the limitations of allowable claim 7 and including the limitations of claim 14. Claims 19-23 depend from an allowable base claim and should be in condition for allowance for the reasons presented above for claims 7-18.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Michael Piontek".

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